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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/588,096	06/01/2000	Michael Heideman	AIRF-01013US0-MCF/KJD	7724
23910	7590	02/23/2004	EXAMINER	
FLIESLER MEYER, LLP FOUR EMBARCADERO CENTER SUITE 400 SAN FRANCISCO, CA 94111			NGUYEN, THU V	
		ART UNIT	PAPER NUMBER	
		3661		

DATE MAILED: 02/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s) <i>SW</i>
	09/588,096	HEIDEMAN, MICHAEL
	Examiner Thu Nguyen	Art Unit 3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 24 November 2003.
- 2a) This action is **FINAL**.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-10, 17 and 20-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10, 17 and 20-25 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

The amendment filed on November 24, 2003 has been entered. By this amendment, claims 11-16, 18-19 have been canceled, and claims 1-10, 17, 20-25 are now pending in the application.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 3-4, 6, 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liming (US 2002/0055924) in view of Kaplan et al (US 6,401,034).

As per claim 1, 3-4, 6, 8-9, Liming teaches a method for obtaining a travel information in which a remote location receive a search category for a communication device; identifying a plurality of location in the search category; transmitting a first location from the remote location to the communication device which is a telephone or a personal digital assistant (fig.1; para [0041]; [0044]-[0046]; [0121], [0124], [0125]; [0016]). Liming does not teach identifying a plurality of locations in the search category within a search area which is determined based on potential pathways from an origin; computing a first travel time from an origin to a first location;

storing the first travel time and respective first location. However, Liming teaches the capability to search for a location in a search category (para [0121], [0123]), and Kaplan teaches the capability to identify a plurality of locations in the search category in a search area which is determined upon potential pathways (fig.3; fig.10-fig.14; col.8, lines 15-67; col.9, lines 1-34) from the origin, and computing the travel time from an origin to a first location (col.7, lines 23-34; col.9, lines 41-67; col.10, lines 1-24). Further, storing a computed data would have been well known. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement an algorithm for selecting the first location that requires the least time to travel of Kaplan to the system of Liming in order to provide optimal route selection for the user when the user does not enter the exact destination. Further, as to claim 4, searching for a nearest gas station would have been well known.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liming (US 2002/0055924) in view of Kaplan et al (US 6,401,034) and further in view of Sato (US 5,906,654).

As per claim 5, Sato teaches expanding the search area (col.5, lines 13-15). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to expand the search area of the combined teaching of Liming and Kaplan in order to provide the user a destination suggestion that is further the limited search area.

Art Unit: 3661

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liming (US 2002/0055924) in view of Kaplan et al (US 6,401,034) and further in view of Myr (US 6,480,783).

As per claim 7, Myr teaches estimating the time by dividing the distance by a maximum speed (col.11, lines 45-59). Further, determining if the estimated time is less than a predetermined limit would have been well known. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to determine the time it takes to travel from one location to another location using a maximum estimated speed in order to provide quick calculation of the travel time when the travel time is not needed to be exact.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liming (US 2002/0055924) in view of Kaplan et al (US 6,401,034) and further in view of Sato (US 5,906,654), Myr (US 6,480,783), Takanabe et al (US 5,359,527).

As per claim 10, refer to claim 1-2, 5, 7 above. Further, transmitting a list of information from a remote location to the personal assistant device would have been known.

6. Claims 2, 17, 20-21, 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liming (US 2002/0055924) in view of Kaplan et al (US 6,401,034) and further in view of Takanabe et al (US 5,359,527).

As per claim 2, since Kaplan teaches selecting the optimal location (col.9, lines 54-67; col.10, lines 1-24), and determining travel time before comparison would have been well known, Kaplan obviously teaches computing a second travel time to a second location. Further,

Art Unit: 3661

Takanabe teaches sorting the destination in ascending time order (col.6, lines 1-13). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to sort the destination of the combined teaching of Liming and Kaplan in ascending order as taught by Takanabe in order to facilitate recognition of the time it takes to travel to each destination.

As per claim 17, 20-21, 24-25, refer to claim 10 above. Further, as to claim 21, searching a nearest gas station would have been well known.

7. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liming (US 2002/0055924) in view of Kaplan et al (US 6,401,034) and further in view of Takanabe et al (US 5,359,527) and Sato (US 5,906,654).

As per claim 22, refer to claim 5 above.

8. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liming (US 2002/0055924) in view of Kaplan et al (US 6,401,034) and further in view of Takanabe et al (US 5,359,527) and Myr (US 6,480,783).

As per claim 23, refer to claim 7 above.

#### *Response to Arguments*

9. Applicant's arguments with respect to claims 1-10, 17, 20-25 have been considered but are moot in view of the new grounds of rejection.

Art Unit: 3661

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**Any response to this final action should be mailed to:**

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 305-7687, (for formal communications; please mark "EXPEDITED PROCEDURE")

Or:

(703) 305-7687 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Art Unit: 3661

Hand-delivered responses should be brought to Crystal Park V, 2451 Crystal Drive, Arlington, VA., Seventh Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Nguyen whose telephone number is (703) 306-9130. The examiner can normally be reached on Monday-Thursday from 8:00 am to 6:00 pm ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski, can be reached on (703) 308-3873. The fax phone number for this Group is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.

*Nguyen, Thu*  
**THU V. NGUYEN**  
**PRIMARY EXAMINER**  
February 17, 2004